

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Date Purchased: \_\_\_\_\_

COUNTY

Date Filed: \_\_\_\_\_

Court Date: \_\_\_\_\_

ATTORNEY(S): Kathleen A. Zebrowski AUSA : U.S. Attorney's Office - SDNY PH: 212-637-2710

ADDRESS: 86 Chambers Street New York N.Y. 10007 File No.:

**JAMES RUSSO,**

vs.

**MP222 LLC, et al.,**

Plaintiff(s)/Petitioner(s)

Defendant(s)/Respondent(s)

STATE OF New Jersey, COUNTY OF Essex SS.:Edward R. Davis

, being duly sworn deposes and says:

Deponent is not a party herein, is over 18 years of age. On Aug. 3, 2007 at 3:12PMat 300 LEADENHALL ROAD MT. LAUREL, NEW JERSEY 08054, deponent served the within**Answer, Counterclaim, Crossclaim and Third-Party Complaint**with Index Number 07 Civ. 5469 (WHP), and Date Purchased \_\_\_\_\_ endorsed thereon,on: **MERRILL LYNCH CREDIT CORPORATION**, **Plaintiff** therein named.#1 INDIVIDUAL ☐ By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.#2 CORPORATION ☒ By delivering to and leaving with Janet Goldstein, Managing Agent, Authorized to Accept and that deponent knew the person so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.*Service was made in the following manner after your deponent was unable, with due diligence, to serve the witness/defendant in person, and an attempt to locate the defendant's place of employment.*#3 SUITABLE AGE PERSON ☐ By delivering a true copy of each to \_\_\_\_\_ a person of suitable age and discretion. Said premises is recipient's ☐ actual place of business ☐ dwelling house (usual place of abode) within the state.#4 AFFIXING TO DOOR ☐ By affixing a true copy of each to the door of said premises, which is recipient's: ☐ actual place of business ☐ dwelling house (place of abode) within the state.#5 MAIL COPY ☐ On \_\_\_\_\_, deponent completed service under the last two sections by depositing a copy of the \_\_\_\_\_ to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of \_\_\_\_\_ Certified Mail No. \_\_\_\_\_Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_#6 NON-SRVC ☐ After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following: ☐ Unknown at Address ☐ Evading ☐ Moved left no forwarding ☐ Address does not exist ☐ Other: \_\_\_\_\_#7 DESCRIPTION ☒ A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:  
(use with #1, 2 or 3) Sex F Color of skin white Color of hair Brown Age 40 Height 5-10  
Weight 150 Other Features: \_\_\_\_\_#8 WIT. FEES ☐ the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.#9 MILITARYSRVC ☐ Deponent asked person spoken to whether the recipient was presently in military service of the United States Government or of the State of \_\_\_\_\_ and was informed that recipient was not. Recipient wore ordinary civilian clothes and no military uniform.#10 OTHER ☐Sworn to before me on this 3rd day of August 2007**ROBERT CIFELLI**Notary Public of New Jersey  
My Commission Expires Oct. 6, 2008

Please Print Name Below Signature

**Edward R. Davis**

Invoice•Work Order # 0737861